IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

AUSTIN E. BURTON,) 1:02-cr-5187 AWI
,	(APPEAL NO. 03-10381)
Petitioner,	
	ORDER DIRECTING CLERK
v.	OF THE COURT TO
) DISREGARD DOCUMENT
UNITED STATES OF AMERICA,) NUMBERS 77 AND 78 AND
) FORWARD SAME TO NINTH
Respondent.) CIRCUIT COURT OF
•) APPEALS

It has come to the court's attention that two mailings in this case have been filed by defendant/petitioner Austin E. Burton. The first, Document No. 77 was filed on December 20, 2010, and was titled "Mr. Burton's Request to Recall This Honorable Court's Denial of His 28 U.S.C. § 2255." The document's caption indicates the document was intended for delivery to the Ninth Circuit of Appeals. The second, Document No. 78, was filed on June 4, 2012, and is titled "Movant's Petition Seeking Second or Successive § 2255 Relief Title 28 U.S.C. § 2244." The caption to the second document also indicates the Ninth Circuit Court of Appeals was the intended recipient. Both documents appear to address proceedings that are not ongoing in this court and the court therefore presumes the documents were mailed to this court in error.

THEREFORE, it is hereby ORDERED the Clerk of the Court shall designate Document No.'s 77 and 78 as FILED in ERROR and shall forward the original documents or copies thereof

1	to the Ninth Circuit Court of Appeals.	
2	IT IS SO ORDERED.	
3	Dated: <u>June 22, 2012</u>	Akblin
4	1	CHIEF UNITED STATES DISTRICT JUDGE
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